

EXHIBIT 2

090915NetworkOpen.txt

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1 UNITED STATES OF AMERICA
2 BEFORE THE
3 INTERNATIONAL TRADE COMMISSION
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5 - - - - - x
6 IN THE MATTER OF: : Investigation Number
7 CERTAIN NETWORK DEVICES, RELATED : 337-TA-944
8 SOFTWARE AND COMPONENTS THEREOF (I) :
9 - - - - - x

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11 HEARING, VOLUME 1

12

13 wednesday, september 9, 2015
14 Courtroom A
15 U.S. International Trade
16 Commission
17 500 E Street SW
18 washington, DC

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21 The hearing commenced, pursuant to notice of the Judge, at
22 10:23 a.m., before the Honorable David P. Shaw,
23 Administrative Law Judge for the United States
24 International Trade Commission.

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12 that hit the market in 2010. All the way over on the
13 right, your Honor, was Arista's successful IPO in June of
14 2014. Six months after the IPO, your Honor, is when the
15 lawsuits were filed.

16 And your Honor, we have an example of what a
17 fixed switch looks like. What I have in my hand is such a
18 fixed switch. And this particular switch, your Honor, has
19 32 input/output ports, and each port has 40 gigabytes per
20 second of transmission capability. And this switch I'm
21 holding in my hand can process 1.4 billion packets per
22 second. You will be hearing more about this at the trial.
23 We will also show your Honor an example of a modular
24 switch.

25 Of course, these switches, your Honor, are based

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1 on EOS, and they're driven by EOS. Your Honor, here's just
2 a sampling of the awards that Arista has received and the
3 recognition in the industry based on its EOS. I guess
4 Arista is most proud of the fact that it twice won the
5 grand prize at the Interop conference. That was in 2010
6 for modular switch on EOS. And also, your Honor, in 2013
7 for a modular switch based on EOS. The Interop conference
8 is a premier conference in the networking industry, and
9 very few companies have won that award, the grand prize,
10 twice. In fact, we're aware of one other instance and it's
11 not Cisco.

12 Your Honor, Cisco, in fact, had an obsession

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13 with Arista. Starting back in 2008, Cisco was focused on
14 Arista. Just when their first product came out, little old
15 Arista, small start-up company, Cisco was watching them
16 closely. And you saw, your Honor, as we said, a lot of
17 snippets out of documents that really are wholly taken out
18 of context.

19 I can tell you this, your Honor, there is no
20 feature in this case, there's none, and they have no
21 evidence that it was copied from the intellectual property,
22 their patents. That just simply did not happen.

23 In the one instance, your Honor, that we're
24 talking about CLI, which is command line interface, yes,
25 Arista emulates Cisco's command line interface, and as a

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1 market dominant player in the industry, it had a right to
2 do that.

3 And that very issue, your Honor, is at issue in
4 the District Court case. And they're going to try and come
5 in here and say we're just copying everything. That is
6 just not true. There is a legal issue involved in the
7 copyright case regarding CLI that has nothing to do with
8 the issues in this case. It is a sideshow, your Honor.
9 That's exactly what it is.

10 There's also a reference to DNA and how all
11 these employees left Cisco and went to Arista. The fact
12 is, your Honor, Cisco has 70,000 employees. There are
13 Cisco employees all over the networking industry, and there

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14 are some at Arista, certainly.

15 But you know what, your Honor? When Cisco
16 wanted to go into software-driven switches, guess where
17 they went to get their employees? Arista. They targeted
18 Arista employees who they took from Arista and employed at
19 Cisco, back at Cisco. That's what the evidence will show.

20 Now, just as the industry has recognized
21 Arista's innovations, Cisco was threatened by Arista. Your
22 Honor, at the highest levels of the company, Arista was
23 being targeted. You see here a reference to Insieme, the
24 Arista killer. The next slide represents some of the
25 documentation, your Honor, that shows the focus on Arista

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1 and what their plans were for Arista, again and again and
2 again targeting Arista.

3 Your Honor, with respect to the patent issues,
4 when they starred this case, they asserted six patents and
5 81 claims. As your Honor referenced earlier, they dropped
6 one of the patents. When the case started, your Honor,
7 this patent was all about a technology called ISSU,
8 in-service software upgrade, and they're out there telling
9 the industry that Arista infringes that patent, Arista
10 copied that technology.

11 well, a little later in the case, your Honor,
12 they switched their theory to something called SSO, stable
13 switch overtechnology. That was infringement. They took
14 all sorts of discovery. well, that didn't work out so

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Components Thereof (I)

INVESTIGATION NO: 337-TA-944

HEARING DATE: 09-09-15

LOCATION: Washington, D.C.

NATURE OF HEARING: Hearing

I hereby certify that the foregoing/attached transcript is a true, correct and complete record of the above-referenced proceeding(s) of the U.S. International Trade Commission.

DATE: 09-09-2015

SIGNED: Mark A. Jagan

Signature of the Contractor or the
Authorized Contractor's Representative

I hereby certify that I am not the Court Reporter and that I have proofread the above-referenced transcript of the proceedings of the U.S. International Trade Commission, against the aforementioned Court Reporter's notes and recordings, for accuracy in transcription in the spelling, hyphenation, punctuation and speaker identification and did not make any changes of a substantive nature. The foregoing/attached transcript is a true, correct and complete transcription of the proceedings.

SIGNED: Christopher C. Weiskircher

Signature of Proofreader

I hereby certify that I reported the above-referenced proceedings of the U.S. International Trade Commission and caused to be prepared from my tapes and notes of the proceedings a true, correct and complete verbatim recording of the proceedings.

SIGNED: Sara A. Wick

Signature of Court Reporter

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